

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DUANE E. TRAVIS,)
Plaintiff,) NO. CV-06-5017-LRS
-vs-) ORDER RE: AUGUST 8, 2007 HEARING
FLUOR HANFORD, INC., a)
Washington Corporation,)
Defendant.)

)

BEFORE THE COURT are the Plaintiff and Defendant's numerous discovery motions. These motions were orally argued by telephone on August 8, 2007. Edwin R. Burkhardt participated on behalf of the Plaintiff and Michael B. Saunders participated on behalf of the Defendant. After careful review of the voluminous pleadings submitted by all parties and with the benefit of oral argument, this order will memorialize and supplement the oral rulings of the Court on August 8, 2007 which are incorporated herein by reference.

For the reasons stated on the record on August 8, 2007, **IT IS HEREBY ORDERED:**

1. Defendant's Motion to Continue and Extend Deadlines for Filing Dispositive Motion Deadline and Discovery (**Ct. Rec. 73**) is **GRANTED**. As

1 stated in this Court's July 31, 2007 order, the dispositive motion
2 deadline was extended to July 12, 2007. No other dispositive motions are
3 to be filed. Defendant's Motion to Extend Discovery is also **GRANTED**.
4 However, discovery is only extended for the **LIMITED PURPOSES SET FORTH IN**
5 **THIS ORDER**.

6 2. Defendant's Motion to Compel Discovery and Award Sanctions (**Ct.**
7 **Rec. 77**) is **GRANTED**. The Court finds that the materials were not
8 provided in a timely manner. It does not appear that Plaintiff has
9 provided his tax returns for the relevant time period. The Court also
10 finds that the Plaintiff did not provide the initial disclosures as to 9
11 of 11 treating physicians as requested. The Court reserves the issue of
12 sanctions for a later date.

14 3. Defendant's Motion for a Protective Order (**Ct. Rec. 81**) is
15 **DENIED AS MOOT**. However, the parties have agreed that Mr. Buechler's
16 deposition will not be taken unless Defendant calls him as a witness at
17 trial.

18 4. Plaintiff's Motion to Amend Complaint (**Ct. Rec. 93**) is **DENIED**.
19 Plaintiff has not shown good cause as to why the Complaint should be
20 amended four months after the deadline for amending pleadings has passed.
21 Plaintiff argues he seeks to clarify his claims, however, he can do so in
22 the trial brief or in another pleading without amending the Complaint.

24 5. Plaintiff's Motion to Compel Discovery Responses, Proper
25 Identification and Disclosure (**Ct. Rec. 108**) is **DENIED**. Defendant has
26 complied with the rules governing discovery in releasing information

1 concerning the six comparators.

2 6. Plaintiff's Motion for Extension of Time to Complete Discovery
3 (**Ct. Rec. 117**) is **GRANTED IN PART AND DENIED IN PART**. Plaintiff is
4 **GRANTED** additional time to re-depose Mr. Blowe which **SHALL NOT EXCEED 2**
5 **HOURS IN LENGTH**. Plaintiff's request to re-depose James Hanna is **DENIED**.
6 Plaintiff is also granted the right to schedule a CR 30(b)(6) deposition
7 of an authorized agent of Defendant's choosing in a deposition not to
8 exceed 2 hours in length and to depose Steve Smith if the same can be
9 concluded within the time lines hereafter set forth and with proper
10 notice to Defendant (deposition not to exceed 2 hours). All depositions
11 authorized by this paragraph shall take place no later than the end of
12 the first week of September. Except as noted, the discovery deadline
13 which has passed is not herewith extended.

15 7. Defendant's Motion to Strike Plaintiff's Motion to Compel as
16 Untimely (**Ct. Rec. 142**) is **DENIED**. The Court considered Plaintiff's
17 motion. Plaintiff's Motion to Compel (**Ct. Rec. 121**) was **DENIED** after a
18 full hearing of the matters.

19 8. Plaintiff's Motion to Strike Plaintiff's Own Memorandum in
20 Opposition to Motion (**Ct. Rec. 157**) is **GRANTED**. The Court notes that
21 Plaintiff is seeking to strike or withdraw its response.

23 9. Defendant's Motion to Strike Plaintiff's Memoranda of Points
24 and Authorities in Opposition to Motion (**Ct. Rec. 163**) is **DENIED**. The
25 Court considered Plaintiff's response.

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10. Defendant's Motion for Extension of Time to File Memoranda in Support of Summary Judgment (**Ct. Rec. 190**) is **GRANTED**. The Court notes the Memorandum was filed 20 minutes after midnight on July 12, 2007. The motion is granted, and the pleading is accepted as timely.

11. Plaintiff's Motion to File a Response to Motion for Summary Judgment (**Ct. Rec. 193**) is **GRANTED**. Plaintiff's Motion for an Extension of Time to Respond to the Statement of Material Facts (**Ct. Rec. 196**) is also **GRANTED**. Plaintiff's Response is due NO LATER THAN **September 10, 2007**. Defendant's Reply in Support of Motion is due NO LATER THAN **September 17, 2007**.

12. Defendant's Motion for Summary Judgment (Ct. Rec. 180) is set for oral argument on Monday, **October 1, 2007 at 2:30 p.m.** in **Yakima, Washington.**

IT IS SO ORDERED.

The District Court Executive is directed to file this Order and provide copies to counsel.

DATED this 15th day of August, 2007.

s/Lonny R. Suko

LONNY R. SUKO
UNITED STATES DISTRICT JUDGE